

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CAUSE NO. 1:08-cr-004-SEB-KPF
	)	
DALE RUSSELL,	)	
	)	
Defendant.	)	

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GOVERNMENT'S MOTION FOR AN ORDER PERMITTING LIMITED DISCLOSURE OF  
VICTIMS' IDENTITIES FOR PURPOSES OF RECEIVING RESTITUTION, PURSUANT TO  
18 U.S.C. § 3509(d)(4)

The United States of America (the government), through undersigned counsel, files its motion for an order permitting it to disclose the identities of the victims in this cause to the Monongalia County Prosecutor's Office and the Monongalia County Clerk located in Morgantown, West Virginia, to permit the victims to receive restitution ordered paid to them as part of a criminal prosecution in Monongalia County on grounds that the disclosure is necessary to the welfare and well being of the victims, in accordance with 18 U.S.C. § 3509(d)(4). The government states as follows:

Background

On January 8, 2008, a grand jury in the Southern District of Indiana returned the indictment in this cause charging defendant Dale Russell with four counts of producing child pornography, in violation of 18 U.S.C. §§ 2251(a) and (d) and (2). The minor victims in these counts were described as Jane Doe 1 and Jane Doe 2. The child pornography produced by

defendant of Jane Doe 1 and Jane Doe 2 is referred to by law enforcement as the “Ballet Girls Series.” Defendant caused the Ballet Girls Series to be distributed via the internet.

Following a three-day jury trial, defendant Russell was found guilty on all counts. On May 17, 2008, this Court sentenced defendant Russell to a period of 38 years’ incarceration.

Monongalia County, West Virginia

On April 25, 2017, Gary Mayfield entered a plea of guilty in *State of West Virginia v. Gary Mayfield*, Case Number 16-F-172, in the Circuit Court of Monongalia County, West Virginia, to one count of distribution of material of minors engaged in sexually explicit conduct, in violation of W. Va. Code 61-8C-3. This offense was predicated on Mayfield’s distribution of images comprising the Ballet Girls Series. On June 26, 2017, Mayfield was sentenced to a period of two years’ incarceration that was suspended in favor of a period of two years’ probation. A condition of Mayfield’s probation is that he pay a \$1,000 “reparation” to each victim (Jane Doe 1 and Jane Doe 2). *Sentencing Order* at p. 2, para. 5. Such payments will be made through the Monongalia County Clerk. Neither the Monongalia County Prosecutor’s Office nor the Monongalia County Clerk know the true identities of Jane Doe 1 and Jane Doe 2, and restitution cannot be paid without this information.

Jane Doe 1 and Jane Doe 2

Jane Doe 1 and Jane Doe 2 reside in the Southern District of Indiana and their true identities are known to the Office of the United States Attorney for the Southern District of Indiana (USAO). Jane Doe 1 and Jane Doe 2 are no longer minors. Neither Jane Doe 1 nor Jane Doe 2 is represented by counsel. Jane Doe 1 and Jane Doe 2 have informed the victim witness coordinator at the USAO that while their respective identities may be disclosed to the

Monongalia County Prosecutor's Office and the Monongalia County Clerk to facilitate the payment of restitution to them by Gary Mayfield, they do not wish to disclose their addresses.

Title 18, United States Code, Section 3509(d)(4)

Title 18, United States Code, Section 3509(d)(4), provides that the name of a child victim may be disclosed "to anyone to whom, in the opinion of the court, disclosure is necessary to the welfare and well-being of the child."

Discussion

Disclosure of the identities of Jane Doe 1 and Jane Doe 2 to the Monongalia County Prosecutor's Office and the Monongalia County Clerk to facilitate the payment of restitution to them by Gary Mayfield is necessary to the welfare and well-being of Jane Doe 1 and Jane Doe 2. The true identities of Jane Doe 1 and Jane Doe are not to be disclosed to Gary Mayfield or his counsel. The restitution checks should be delivered to the victim witness coordinator for the USAO at the address set forth below:

Stephanie Lloyd  
Victim Witness Coordinator  
United States Attorney's Office  
Southern District of Indiana  
10 West Market Street  
Suite 2100  
Indianapolis, Indiana 46204

The victim witness coordinator will then cause the restitution checks to be delivered to Jane Doe 1 and Jane Doe 2.

Conclusion

Based on the above, the government requests that this Court grant the government's motion and enter an order permitting it to disclose the identities of Jane Doe 1 and Jane Doe 2 to

the Monongalia County Prosecutor's Office and the Monongalia County Clerk for the limited and sole purpose of facilitating the payment of restitution to them by Gary Mayfield.

Respectfully submitted,

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